REMARKS/ARGUMENTS

Status of Claims

Claims 25-39 stand withdrawn from consideration. Claims 1-24 are pending in this application. Claims 1-24 have been rejected.

Claims 20 through 24 have been currently amended. There was an obvious mistake in said claims. Claims 20 through 24 recited "The tampon" while referring back directly or indirectly to claim 19, which is a method claim, hence, the claims where amended into method claims as well.

Election/restriction

For the avoidance of doubt, Applicants respectfully submit that the Office Action on page 2 shows an error with respect to which claims are actually withdrawn from consideration. Instead of "Claims 15 –39", it should be "Claims 25 – 39". Applicants did note that on page 1 of the Office Action it is indeed Claims 25 – 39 that are indicated as being withdrawn from consideration as drawn to a non-elected invention.

Response to arguments in previous reply.

Applicants submit that in the response that was filed in February 6, 2007, there has been a mistake in the sense that the name "Osborn" was sometimes erroneously used to refer to the Olson document. Applicants respectfully contend that when the arguments of the reply of February 6, 2006 are read in that light, the reply is clear and responsive.

Rejections

Claims 1-5, 7-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Jr., (U.S. Pat. No. 5,185,010) in view of Li et al., (U.S. Pat. Appln. Publication No. 2002/0169429). Applicants respectfully traverse this rejection.

The Office Action mentions at the end of page 4 and beginning of page 5 that *"Brown does not teach an overwrap material having a liquid-resistant zone. Li teaches that the treatment of hydrophobic materials with surfactants to increase their hydrophilicity with surfactants to increase their hydrophilicity is known in the art therefore it would be obvious to one of ordinary skill in the art to treat the overwrap taught by Brown with a surfactant in certain portions of the overwrap that overlie the absorbent core and contact the vaginal wall of the user such that the overwrap 10 has a liquid-permeable zone and a liquid resistant zone, wherein the portion of overwrap 10 that folds over said second edge is not treated and thus remains liquid resistant."*

Applicants respectfully disagree. First, the combination of Brown and Li does not teach the person skilled in the art the simultaneous dual presence of a liquid resistant zone and a liquid permeable zone. The overwrap of Brown has only one type of zone, that is a liquid resistant zone. The dual aspect of the overwrap is not taught. Li does not teach that the dual aspect either. There is no teaching only to use the treatment on part of the overwrap material. Either you use the treatment taught by Li or you do not, leading to either treated material or non-treated material. Moreover, Li teaches the use of certain surfactants to make certain hydrophilic materials "wettable". Applicants want to draw the Examiner's attention that to the complete sentence when quoting from Li (column, 2, paragraph [0007], line 1 to 6 (emphais added): *It is known in the industry that certain surfactants, such as TRITON X-100 from Rohm and Haas, can be applied as an aqueous solution or suspension to the surface of hydrophobic filebers, filaments or nonwoven fabrics with the resulting effect of rendering the fibers, filaments or fabrics wettable, although not absorbent.* This does not teach anything about liquid permeability. It is not because a material has become more wettable, that it becomes more liquid permeable. Finally, Applicants contend that the combination of Li with Brown only can be done with hindsight. It is only if you know the present invention that a person skilled in the art would go out of his way to start looking for ways to transform the liquid resistant overwrap of Brown into dual material (i.e. having a liquid resistant and liquid permeable part) and that he would possibly come to Li which teaches transformation into wettable materials and as shown above that is not even a teaching of liquid permeability.

In view of the above, Applicants submit that one of ordinary skill in the art would not combine Brown and Li and even if they would combine these documents, then still the combination of the documents does not lead to the presently claimed invention as claimed in claims 1, 4, 5, 7, 9-16, 19, 20, 22, 24. Hence, Applicants believe the subject-matter claimed in those claims to be non-obvious. Accordingly Applicants request that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to 1, 4, 5, 7, 9-16, 19, 20, 22, 24.

Applicants submit that the same argumentation holds for claim 8 and 23 as well as claims 17 and 18. Hence, Applicants request that also with respect to said claims the rejection under 35 U.S.C. § 103(a) be withdrawn.

Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Jr., (U.S. Pat. No. 5,185,010) in view of Li et al., (U.S. Patent Application Publication No. 2002/0169429) as applied to claims 1-5, 7-20 and 22-24, and in further view of Olson et al. (U.S. Patent No. 5,916,205). Applicants respectfully traverse this rejection.

The Office Action states that Brown teaches that the overlap material must be heat sealable and that it is a thermoplastic nonwoven, but does not explicitly teach an apertured film. Li also does not teach an apertured film. Olson teaches cover material 102 for forming covers 4 for plural devices 20 that comprises an apertured thermoplastic film. Applicants submit that the argumentation followed above for the claims 1-5, 7-20, and 22-24 already obviates the basis for the rejection against claims 6 and 21. But even if it did not, Applicants contend respectfully that the Olson is clearly drawn towards an interlabial device, while Brown is drawn towards a tampon and consequently, the documents are not to be combined in view of the fact that these documents address different problems.

In view of the above Applicants submit that the subject matter of claims 6 and 21 would not be obvious for one of ordinary skill in the art. Accordingly, Applicants request that the rejection under 35 U.S.C § 103(a) be withdrawn.

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. Applicants look forward to an early notice of allowance for this application.

Respectfully submitted,

/James P. Barr/

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James P. Barr
Reg. No. 32,882
Attorney for Applicant

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2826
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